

Clarkson

Tracey Cowan, Esq.
Partner

Clarkson Law Firm P.C.
22525 Pacific Coast Highway
Malibu, CA 90265
Tel: (213) 788-4050
Fax: (213) 788-4070
tcowan@clarksonlawfirm.com

November 17, 2023

Honorable Charles R. Breyer
United States District Judge
Phillip Burton Federal Building
450 Golden Gate Ave.
San Francisco, CA 94102

Re: *In re: Uber Technologies, Passenger Sexual Assault Litigation*
Case No. 3:23-md-03084-CRB

Dear Judge Breyer,

Clarkson Law Firm (“Clarkson”) is counsel representing Plaintiffs in the Multi-District Litigation (“MDL”) *In re: Uber Technologies, Passenger Sexual Assault Litigation* (MDL No. 3084). Pursuant to your Honor’s November 6, 2023, Pretrial Order 3, we respectfully apply to serve on the Plaintiffs’ Steering Committee.

I. Professional Experience with this Type of Litigation/MDLs

Partner Tracey Cowan is Head of Clarkson’s nationwide Sexual Assault practice area and is lead counsel on the firm’s cases included in this MDL, which are detailed in Exhibit B. Ms. Cowan has built Clarkson’s Sexual Assault practice, lending her years of experience in the space. Prior to joining Clarkson, Ms. Cowan helped develop a similar practice area as Partner and Co-chair of the sexual assault practice at Peiffer Wolf Carr Kane Conway & Wise (“Peiffer Wolf”), another firm applying for leadership in this litigation in collaboration with Ms. Cowan. *See* Exhibit A (Proposed MDL Leadership Slate). Throughout the course of her tenure leading two national sexual assault practices, Ms. Cowan has successfully represented hundreds of rideshare drivers and passengers in matters similar to those that are before this Court.

Ms. Cowan and Clarkson also represent clients into the companion Uber JCCP currently pending in San Francisco Superior Court. *See* Exhibit B (listing of relevant cases and judicial contact information). Additionally, Ms. Cowan has and continues to represent hundreds of sexual assault survivors in their claims against other major public and private institutions, including religious and governmental organizations across the country. Clarkson is therefore highly familiar

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with the law and pertinent issues specific to the sexual assault and misconduct claims at issue in this MDL.

Clarkson attorneys bring decades of experience leading complex litigation matters, including class actions, collective actions, and mass arbitrations. Clarkson also has MDL leadership experience. *See* Exhibit C (Firm Resume). Currently, managing partner, Ryan Clarkson, maintains a leadership position in the MDL member-case *In Re: Samsung Customer Data Security Breach Litigation*, Civil Action No. 23-md-3055 (CPO)(EAP) MDL No. 3055—a data breach case concerning the exposure of plaintiffs’ personally identifiable information. There, the Honorable Christine P. O’Hearn of the United States District Court for the District of New Jersey approved Mr. Clarkson’s position as the chair of third-party discovery.

II. Judicial Contact Information

Please see Exhibit B for a listing of relevant cases, as well as associated judicial contact information.

III. Willingness and Availability to Commit Time to this Litigation

Clarkson has a robust Sexual Assault practice team comprised of multiple attorneys, paralegals, and staff members that are all prepared and able to commit as much time as is needed to this litigation. The firm’s five other complex litigation practice teams can also be mobilized when additional support is needed. Clarkson is dedicated to working alongside the other counsel appointed to the steering committee to ensure that all aspects of the MDL receive an appropriate level of time and care.

IV. Willingness and Ability to Work Cooperatively with Other Counsel

Clarkson is prepared, willing, and eager to work with both plaintiffs’ and defense counsel to efficiently litigate this matter. Partner Tracey Cowan and associate Olivia Davis have already begun working cooperatively with other plaintiffs’ firms applying for leadership, engaging in weekly working group meetings, collaborating in advance of the initial case management conference, and working cooperatively to develop a litigation plan that will be swift, effective, and inclusive.

Clarkson believes a collaborative approach is paramount to efficiency and effectiveness. We are dedicated to operating as part of a cohesive team in order to best serve not only our clients, but all plaintiffs in this matter. Together, this group of plaintiffs’ attorneys has proposed a leadership slate that we believe will best serve the plaintiffs throughout the duration of this matter. *See* Exhibit A. This group has already begun the critical work of conferring with defense counsel to ensure the parties are able to meet the Court’s goals of swift, just, and efficient administration of the litigation.

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V. Resources Available to Prosecute this Litigation in a Timely Manner

Clarkson has ample experience working on large-scale complex litigation, and thus understands the significant resources that can be needed to move such matters forward. Our firm of twenty-four attorneys is well-capitalized and prepared to staff and finance this matter through to resolution. Over the past decade, Clarkson has served as class counsel in numerous large-scale complex matters, advancing millions in fees and costs to bring these cases to successful conclusion for our clients. In line with our commitment to serving this MDL, we similarly plan on dedicating extensive resources to the litigation of this MDL to ensure expeditious forward movement.

VI. Additional Considerations for Appointment

Clarkson's experience in complex class action matters will allow it to manage issues that are pivotal to the success of this case with great efficiency, including discovery management and damages analyses. In addition, the team at Clarkson has vigorously investigated the claims in this consolidated action and have conducted comprehensive investigation as to Uber's policies and practices. Clarkson is prepared and well-equipped to serve on the plaintiffs' steering committee.

Thank you for Your Honor's commitment of your time to this important MDL case. We greatly appreciate your consideration of Ms. Cowan, and Clarkson, for a leadership position on this matter.

Sincerely,

CLARKSON LAW FIRM, P.C.

A handwritten signature in blue ink, appearing to be "Ryan Clarkson", with a long horizontal line extending to the right.

Ryan Clarkson, Esq.
Tracey Cowan, Esq.

EXHIBIT A

[Proposed] Plaintiffs' Leadership Group ("PLG")

Co-Leads:

Rachel Abrams

Peiffer Wolf Carr Kane Conway & Wise

rabrams@peifferwolf.com

Sarah London

Lieff Cabraser Heimann & Bernstein

slondon@lchb.com

Roopal Luhana

Chaffin Luhana LLP

Luhana@chaffinluhana.com

Plaintiffs' Executive Committee

Marlene Goldenberg

Nigh Goldenberg Raso & Vaughn

mgoldbenberg@nighgoldenberg.com

Ellyn Hurd

Simmons Hanly Conroy

ehurd@simmonsfirm.com

Sara Peters

Walkup, Melodia, Kelly & Schoenberger

speters@walkuplawoffice.com

Bret Stanley

Pulaski Kherkher

bstanley@pulaskilawfirm.com

Plaintiffs' Steering Committee

Alyson Steele Beridon
HSGLaW
alyson@hsglawgroup.com

Andrea Hirsch
Cohen Hirsch
andrea@cohenhirsch.com

Michael Carney
Slater Slater & Schulman
mcarney@sssfirm.com

Sommer Luther
Wagstaff Law
sluther@wagstafflawfirm.com

Erin Copeland
Fibich Law
ecopeland@fibichlaw.com

Karen Barth Menzies
KBM Law
kbm@kbmlaw.com

Tracey Cowan
Clarkson Law Firm
tcowan@clarksonlawfirm.com

Meredith Stratigopoulos
Watts Guerra
mdrukker@wattsguerra.com

Adam Gomez
Grant Eisenhofer
agomez@gelaw.com

Alexandra Walsh
Walsh Law
awalsh@alexwalshlaw.com

Layne Hilton
Meyer Wilson
lhilton@meyerwilson.com

Plaintiffs' Liaison Counsel

Khaldoun Baghdadi
Walkup, Melodia, Kelly & Schoenberger
kbaghdadi@WalkupLawOffice.com

Coordination with JCCP Counsel

The PLG has had ongoing discussions with members of the JCCP Leadership to coordinate proposed MDL leadership but has not reached an agreement. To facilitate coordination with the MDL and the JCCP, the PLG proposes that the following counsel be added to the Proposed Leadership Group.

Brian Abramson as a member of the Plaintiffs' Steering Committee
Williams Hart Boundas

Celine Cutter (JCCP) as Plaintiffs' Liaison Counsel
Cutter Law Group

EXHIBIT B**CLARKSON'S SIMILAR LITIGATION**

| <u>Case Name</u> | <u>Presiding Judge</u> | <u>Court</u> |
|---|---------------------------|--|
| <i>A.M. v. Uber Technologies, et al</i> , Case No. 23-cv-04939 | Hon. Charles R. Breyer | United States District Court for the Northern District of California |
| <i>N.M. v. Uber Technologies, et al</i> , Case No. 23-cv-04940 | Hon. Charles R. Breyer | United States District Court for the Northern District of California |
| <i>C.L. v. Uber Technologies, et al</i> , Case No. 23-cv-04972 | Hon. Charles R. Breyer | United States District Court for the Northern District of California |
| <i>S.A. v. Uber Technologies, et al</i> , Case No. 23-cv-05524 | Hon. Charles R. Breyer | United States District Court for the Northern District of California |
| <i>L.E. v. Uber Technologies, et al</i> , Case No. 23-cv-05567 | Hon. Charles R. Breyer | United States District Court for the Northern District of California |
| <i>M.H. v. Uber Technologies, et al</i> , Case No. 23-cv-05569 | Hon. Charles R. Breyer | United States District Court for the Northern District of California |
| <i>T.V. v. Uber Technologies, et al</i> , Case No. 23-cv-05609 | Hon. Charles R. Breyer | United States District Court for the Northern District of California |
| <i>John Doe CLF001 v. Uber Technologies Inc.</i> , Case No. CGC-23-610330 | <i>Pending Assignment</i> | San Francisco Superior Court |
| <i>Jane Doe CLF002 v. Uber Technologies Inc.</i> , Case No. CGC-23-610326 | <i>Pending Assignment</i> | San Francisco Superior Court |

MS. COWAN'S PAST SIMILAR LITIGATION

| <u>Case Name</u> | <u>Presiding Judge</u> | <u>Court</u> | <u>Phone Number</u> |
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| <i>John Doe M.J. v. Def Doe 1</i> , Case No. CGC-22-603586 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Katherine Rasta v. Lyft, Inc.</i> , Case No. CGC-22-601531 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 010 v. Lyft, Inc.</i> , Case No. CGC-22-601529 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 009 v. Lyft, Inc.</i> , Case No. CGC-22-601528 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Doe PW 008 v. Lyft, Inc.</i> , Case No. CGC-22-601525 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 007 v. Lyft, Inc.</i> , Case No., CGC-22-601524 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |

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| <i>Jane Doe PW 006 v. Lyft, Inc.</i> , Case No. CGC-22-601522 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 005 v. Lyft, Inc.</i> , Case No. CGC-22-601534 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 004 v. Lyft, Inc.</i> , Case No. CGC-22-601533 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 003 v. Lyft, Inc.</i> , Case No. CGC-22-601530 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 002 v. Lyft, Inc.</i> , Case No. CGC-22-601532 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Jane Doe PW 001 v. Lyft, Inc.</i> , Case No. CGC-22-601526 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>Erika Garcia-Galicia v. Lyft, Inc.</i> , Case No. CGC-22-601515 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 | Courtroom Clerk: (415) 551-3705 |

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| | | McAllister Street, San Francisco, California 94102-4514 | |
| <i>Jane Doe v. Uber Technologies, Inc.</i> , Case No. CGC-22-599424 | Hon. Anne-Christine Massullo | San Francisco Superior Court, Department 206, 400 McAllister Street, San Francisco, California 94102-4514 | Courtroom Clerk: (415) 551-3705 |
| <i>John Doe J.K. v. Def DOE I</i> , Case No. 30-2022-01298541-CU-PO-CJC | Hon. Scott Steiner | Orange County Superior Court, Central Justice Center, Floor 7, Department C24, 700 Civic Center Drive West, Santa Ana, California 92701 | (657) 622-5224 |
| <i>Jane Doe J.S. v Def DOE I</i> , Case No. 22AHCv01369 | Hon. Margaret L. Oldendorf | Los Angeles Superior Court, Pasadena Courthouse, Department P, 300 East Walnut Street, Pasadena, California 91101 | (626) 396-3307 |
| <i>Jane Doe S.L. v. Def DOE I</i> , Case No. 22PSCv03042 | Hon. Salvatore Sirna | Los Angeles Superior Court, Pomona Courthouse South, Department G, 400 Civic Center Plaza, Pomona, California 91766 | (909) 802-1104 |
| <i>Jane Doe T.S. v. Def DOE I</i> , Case No. 22GDCv01086 | Hon. Ralph C. Hofer | Los Angeles Superior Court, Glendale Courthouse, Department D, 600 East Broadway, Glendale, California 91206 | (818) 265-6413 |
| <i>Jane Doe T.R. v. Def DOE I</i> , Case No. 22STCv39993 | Hon. Daniel M. Crowley | Los Angeles Superior Court, Stanley Mosk Courthouse, Department 071, 111 North Hill Street, Los | (213) 830-0771 |

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| | | Angeles, California 90012 | |
| <i>John Doe D.B. v. Def DOE I</i> , Case No. 22STCV39803 | Hon. Lia Martin | Los Angeles Superior Court, Dept. 16, Stanley Mosk Courthouse, Department 071, 111 North Hill Street, Los Angeles, California 90012 | |
| <i>John Doe J.C. v. Def DOE I</i> , Case No. 22CHCV01471 | Hon. Melvin Sandvig | Los Angeles Superior Court, Chatsworth Courthouse, Department F47, 9425 Penfield Avenue, Chatsworth, California 91311 | (818) 407-2247 |
| <i>John Doe W.C. v. Def DOE I</i> , Case No. 22CHCV01473 | Hon. Andrew E. Cooper | Los Angeles Superior Court, Chatsworth Courthouse, Department F51, 9425 Penfield Avenue, Chatsworth, California 91311 | (818) 407-2251 |
| <i>John Doe R.G. V. Def DOE I</i> , Case No. 22STCV39823 | Hon. Maureen Duffy- Lewis | Los Angeles Superior Court, Stanley Mosk Courthouse, Department 038, 111 North Hill Street, Los Angeles, California 90012 | (213) 633-0158 |
| <i>S.A. v. City of New York et al.</i> , Index No. 951382/2021 | Hon. Alexander M. Tisch | New York Supreme Court, Room 104, 71 Thomas Street, New York, NY 10013 | (646) 386-3968 |
| <i>M.N. v. City of New York et al.</i> , Index No. 951380/2021 | Hon. Alexander M. Tisch | New York Supreme Court, Room 104, 71 Thomas Street, New York, NY 10013 | (646) 386-3968 |
| <i>Y.B. v. City of New York et al.</i> , Index No. 520574/2021 | Hon. Alexander M. Tisch | New York Supreme Court, Room 104, 71 Thomas Street, New York, NY 10013 | (646) 386-3968 |
| <i>M.D. v. City of New York et al.</i> , | Hon. Alexander M. Tisch | New York Supreme Court, Room 104, 71 | (646) 386-3968 |

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| Index No. 520564/2021 | | Thomas Street, New York, NY 10013 | |
| <i>W.P. v. City of New York et al.</i> , Index No. 70391/2021E | Hon. Alicia Gerez | Bronx Supreme Court, 851 Grand Concourse, Bronx, NY 10451-2937 | (718) 618-1768 |
| <i>N.C. v. New York Health & Hospitals Corporations et al.</i> , Index No. 520674/2021 | Hon. Sabrina Krauss | Kings Supreme Court, Room 448, 111 Centre Street, New York, New York 10013 | (646) 386-3195 |
| <i>M.B. v. United Lubavitcher Yeshivoh, Inc. et al.</i> , Index No. 520580/2021 | Hon. Sabrina Krauss | Kings Supreme Court, Room 448, 111 Centre Street, New York, New York 10013 | (646) 386-3195 |
| <i>M.F. v. Clarkstown Central School District et al.</i> , Index No. 034821/2021 | Hon. Leonard D. Steinman | Supreme Court Ninth and Tenth Judicial District, 100 Supreme Court Drive Mineola, NY 11501 | (516) 493-3252 |

Exhibit C

Clarkson

FIRM RESUME

Headquartered in Malibu, California, the public interest attorneys of CLARKSON LAW FIRM, P.C. (“Clarkson”) have represented plaintiffs in individual, class, and collective actions, in state and federal court, at trial and appellate levels, throughout California and the United States. Clarkson has an active civil trial practice and track record of success in complex litigation, having won numerous contested class certification motions and appointments as class counsel, leading to meaningful injunctive and monetary relief for hundreds of thousands of class members across a wide range of public interest matters nationwide.

PARTNER TRACEY COWAN

Tracey Cowan is a Partner and the head of Clarkson’s Sexual Assault Practice Area, who works out of the firm’s San Francisco office. Ms. Cowan has represented sexual assault plaintiffs at both the state and federal level in multiple states and venues. She has successfully resolved hundreds of sexual misconduct and assault claims for both rideshare driver and passenger plaintiffs, as well as for other sexual assault survivors with claims against major public and private institutions across the country. She has ample experience as a litigator and, as a former mediator, has the skills necessary to help bring contentious matters to a successful close while protecting the rights of her clients. Outside of the sexual assault practice area, Ms. Cowan has also successfully represented hundreds of plaintiffs in the Northern District in a complex federal litigation in the fertility space, including representing bellwether plaintiffs and successfully petitioning for extraordinary circumstances compensation for her clients. Ms. Cowan is honored to be considered for the opportunity to serve on the leadership committee for this important and critical MDL.

CLARKSON: NOTABLE COMPLEX LITIGATION EXPERIENCE

In Re: Samsung Customer Data Security Breach Litigation, Civil Action No. 23-md-3055 (CPO)(EAP) MDL No. 3055 (Managing Partner Ryan Clarkson appointed chair of third-party discovery in ongoing data breach MDL);

Baton v. Sas, Case No. 21017036, 2022 U.S. App. LEXIS 33183 (9th Cir. Dec. 1, 2022) (Clarkson represented high volume of consumers in a data breach action where the appellate court reversed the district court’s dismissal on jurisdictional grounds);

Hezi et al. v. Celsius Holdings, Inc., (S.D.N.Y. Nov. 23, 2022) (Clarkson obtained final approval of nationwide class settlement);

In Re: Tik Tok Inc., Consumer Privacy Litigation, MDL No. 2948 (Clarkson represented hundreds of clients to settlement in connection with unauthorized transmission of private data);

Prescott v. Bayer Healthcare, LLC, Case No. 20-cv-00102-NC (N.D. Cal. Dec 15, 2021) (Hon. Nathanael M. Cousins appointed Clarkson as Class Counsel and granted final approval of a nationwide class settlement);

Swetz v. GSK Consumer Health, 2021 U.S. Dist. LEXIS 227208 (S.D.N.Y. Nov. 22, 2021) (Hon. Nelson S. Roman appointed Clarkson as Class Counsel and granted final approval of nationwide consumer class settlement);

O'Brien and Kipikasha v. Sunshine Makers, Inc., San Bernardino Superior Court, Case No. CIVSB2027994 (Sept. 21, 2021) (Hon. David Cohn appointed Clarkson as Class Counsel and granted final approval of nationwide consumer class settlement);

Prescod v. Celsius Holdings, Inc., Los Angeles Superior Court, Case No. 19STCV09321, 2021 Cal. Super. LEXIS 8246 (Aug. 2, 2021) (Hon. Kenneth Freeman granted class certification and appointed Clarkson as Class Counsel after finding that Clarkson has “significant experience in litigating class actions”);

Mateski, et al. v. Just Born, Inc., San Bernardino Superior Court, Case No. CIVDS1926742 (Dec. 15, 2020) (Hon. David Cohn appointed Clarkson as Class Counsel and granted final approval of a nationwide class settlement);

Thomas v. Nestle USA, Inc., Los Angeles Superior Court, Case No. BC649863, 2020 Cal. Super. LEXIS 45291 (false advertising action where Hon. Daniel J. Buckley granted class certification and Clarkson obtained the largest known slack-fill class action settlement in the country);

Escobar v. Just Born, Inc., 2019 U.S. Dist. LEXIS 167841 (C.D. Cal. June 19, 2019) (false advertising action where Hon. Terry J. Hatter, Jr. appointed Clarkson as Class Counsel and granted final approval of a certified nationwide class settlement);

Iglesias v. Ferrara Candy Co., Case No. 3:17-cv-00849-VC (N.D. Cal. Oct. 31, 2018) (Hon. Vince Chhabria appointed Clarkson Class Counsel and granted final approval of \$2.5 million nationwide class settlement);

Amiri, et al. v. My Pillow, Inc., San Bernardino Superior Court, Case No. CIVDS1606479 (Feb. 26, 2018) (false advertising action where Hon. Bryan Foster appointed Clarkson as Class Counsel and granted final approval of a certified nationwide class settlement);

Garcia v. Iovate et al., Santa Barbara Superior Court, Case No. 1402915 (Mar. 15, 2015) (Clarkson successfully intervened in this case on behalf of a class of consumers of the popular “Hydroxycut” weight loss supplement. Along with co-counsel, Clarkson increased the size of the settlement by more than ten-fold to a total court-approved settlement value against global dietary supplement manufacturer for false advertising and mislabeling the weight loss product).